

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AIMEE MORAN and JESSICA MAZZEO

Plaintiffs

v.

**ROCKWELL DEVELOPMENT GROUP,
LLC; ROCKWELL EDMONT, LLC;
ROCKWELL EDMONT, II, LLC;
ROCKWELL HOMES, LLC; and
ROCKWELL CUSTOM, LP**

Defendants

:
: **CIVIL ACTION**
:
: Case No. 2:21-cv-03327-CDJ
:
:
:
:
:
:
:
:
:
:

**MOTION TO DISMISS PLAINTIFFS' COMPLAINT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

AND NOW, Defendants, Rockwell Development Group LLC., Rockwell Edmont, LLC., Rockwell Edmont II, LLC., Rockwell Homes, LLC., and Rockwell Custom, LP. (collectively, "Rockwell"), by and through counsel, Bochetto and Lentz, P.C., hereby file the following *Motion to Dismiss Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6)*.

1. Plaintiffs have filed a five-count Complaint against Defendants.
2. Plaintiffs' Complaint includes one count for violation of the Fair Housing Act (42 U.S.C. § 3604, et seq.) and four state law claims arising out of Defendants' construction and sale of Plaintiffs' homes.
3. For the reasons set forth in Defendants' Memorandum of Law in Support of Its Motion to Dismiss, the Complaint should be dismissed as Plaintiffs have failed to set forth a federal claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6), and this

Court should exercise its discretion to decline supplemental jurisdiction over the remaining state law claims.

4. Additionally, several legal decencies exist with Plaintiffs' state law claims.

5. Plaintiffs' Complaint demands a jury trial and a right to collect consequential and incidental damages, despite attaching the signed contract in which these rights were expressly waived.

6. Plaintiffs also include several overlapping claims all arising under duties born from the parties' contractual relationship, and therefore these claims should be dismissed under the gist of the action doctrine.

WHEREFORE, Defendants respectfully request that this Honorable Court grant Defendants' Motion to Dismiss and enter the attached Order dismissing this matter.

Respectfully submitted,

BOCHETTO & LENTZ, P.C.

Date: September 23, 2021

/s/ Gavin P. Lentz
By: _____
Gavin P. Lentz, Esquire (53609)
Kean C. Maynard, Esquire (327794)
1524 Locust Street
Philadelphia, PA 19102
(215) 735-3900
glentz@bochettoandlentz.com
kmaynard@bochettoandlentz.com
Attorneys for Defendants